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August 5, 2014

Via: Email and US Mail  
Honorable Nancy F. Atlas  
United States Courthouse  
515 Rusk Street, Room 9015  
Houston, Texas 77002-2601

Re: *True the Vote, et al. v. Delbert Hosemann, et al.*; US District Court,  
Southern District of Mississippi; No.: 3:14-cv-00532-NFA

Dear Judge Atlas:

I had intended to communicate with the Court earlier concerning the motion for sanctions filed by the Mississippi Republican Party yesterday afternoon. However, very shortly after we filed the motion electronically, a thunderstorm came through Jackson and knocked out our Internet service. For that reason, we have been unable to communicate in writing until this morning.

The motion was drafted and served upon plaintiffs' counsel on July 11, 2014, when Judge Wingate was still presiding over this case. The motion fully complies with the Local Rules of the Southern District of Mississippi. In some respects, however, it may differ from the expectations set forth in the procedures we received from Your Honor after your appointment.

For instance, good faith certificates are required only for discovery motions under Rule 37(a). For that reason, the motion bore no certificate of conference, as required by Part 6.A.2 of Your Honor's procedures, when we served it. However, Exhibits 3 and 4 make plain that counsel for the parties conferred and reached no resolution.

It is not clear to us how to comply with Part 2 of the Procedures. Part 2.B requires prompt delivery of copies of all substantive motions, but Part 2.C forbids faxing or emailing documents without permission. Since we are not in Houston, fax or email is the only method of prompt delivery of our motion. Of course, the motion is presently available to the Court through the electronic filing system. Should the Court want another copy, please tell us how you would like it to be delivered, and we will promptly comply.

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Your Honor will note that the motion does not employ the type size specified in Part 7.B. Under the unusual provisions of Rule 11, we believe that we were obliged to file precisely the same document that we had served 21 days earlier. We would be happy to prepare and deliver a version in larger type, if that would assist the Court.

Finally, proposed orders are required only for consent orders and *ex parte* motions under Rule 7(b)(2)(E). I understand that Your Honor requires proposed orders more generally under Part 6.A.3, although I am not sure that a proposed order would be of much use with this particular motion. If the Court does want a proposed order, we will promptly comply.

Once again, we apologize for this unavoidable delay, and we think the Court for its attention to this matter.

Sincerely,

WISE CARTER CHILD & CARAWAY



Michael B. Wallace

MBW:drp

Cc: All counsel of record (via Email)